

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

STARLA HEARD o/b/o S.T.R.,

Plaintiff,

Case No. 3:11-cv-456

vs.

Judge Thomas M. Rose

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Magistrate Judge Michael R. Merz

Defendant.

**ENTRY AND ORDER OVERRULING HEARD'S OBJECTIONS (Doc. #12)
TO THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #11) IN ITS ENTIRETY;
AFFIRMING THE COMMISSIONER'S FINAL NON-DISABILITY
DETERMINATION AND TERMINATING THIS CASE**

Starla Heard ("Heard") brought this action pro se on behalf of S.T.R. pursuant to 42 U.S.C. § 405(g) for judicial review of the decision of the Defendant Commissioner of Social Security (the "Commissioner") that S.T.R. is not disabled and, therefore, not entitled to Social Security disability benefits. On July 25, 2012, United States Magistrate Judge Michael R. Merz entered a Report and Recommendations (doc. #11) recommending that the Commissioner's Decision be affirmed. Heard subsequently filed Objections (doc. #12) and the time has run and the Commissioner has not responded to Heard's Objections. This matter is, therefore, ripe for decision.

Heard sought financial assistance for S.T.R. from the Social Security Administration by applying for Supplemental Security Income ("SSI") in February of 2009. Heard claims that

S.T.R. has been disabled since October 23, 2002, due to a respiratory impairment and allergies.

The Commissioner denied Heard's application o/b/o S.T.R. initially and on reconsideration. Administrative Law Judge ("ALJ") Carol Bowen ("Bowen") held a hearing and supplemental hearing following which she determined that S.T.R. is not disabled. The Appeals Council denied Heard's request for review and ALJ Bowen's decision became the Commissioner's final decision. Heard then appealed to this Court on behalf of S.T.R. pursuant to 42 U.S.C. § 405(g).

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Based upon the reasoning and citations of authority set forth in the Magistrate Judge's Report and Recommendations (doc. #11) and in Heard's Objections (doc. #12), as well as upon a thorough de novo review of this Court's file and a thorough review of the applicable law, this Court adopts the aforesaid Report and Recommendations in its entirety and, in so doing affirms the Commissioner's decision that S.T.R. is not disabled in accordance with Social Security regulations.

WHEREFORE, Heard's Objections to the Magistrate Judge's Report and Recommendations are OVERRULED, and this Court adopts the Report and Recommendations of the United States Magistrate Judge (doc. #11) in its entirety. The Commissioner's decision that S.T.R. is not disabled in accordance with Social Security regulations is affirmed. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Twenty-Eighth Day of August, 2012.

s/Thomas M. Rose

JUDGE THOMAS M. ROSE
UNITED STATES DISTRICT COURT

Copies furnished to:

Counsel of Record

Starla Heard at her last address of record